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**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

STB Docket No. 1043 (Sub-No. 1)

**ENTERED**  
**Office of Proceedings**

**MAR 24 2010**

**Part of  
Public Record**

**MONTREAL, MAINE & ATLANTIC RY., LTD.**

**- DISCONTINUANCE OF SERVICE AND ABANDONMENT -**

**IN AROOSTOOK AND PENOBSCOT COUNTIES, MAINE**

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**MOTION OF STATE OF MAINE, DEPARTMENT OF TRANSPORTATION  
FOR EXTENSION OF FILING DEADLINES**

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**EXPEDITED CONSIDERATION REQUESTED**

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Dated: March 24, 2010

Attorneys for State of Maine, Department of  
Transportation

**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
STB Docket No. 1043 (Sub-No. 1)**

**MONTREAL, MAINE & ATLANTIC RY., LTD.  
- DISCONTINUANCE OF SERVICE AND ABANDONMENT -  
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**MOTION OF STATE OF MAINE, DEPARTMENT OF TRANSPORTATION  
FOR EXTENSION OF FILING DEADLINES**

The State of Maine, by and through its Department of Transportation ("State"), hereby moves for the Board to extend the filing deadlines for protests and comments, and for Applicant's reply, for a period of twenty days. State, in support of its request, states as follows:

1. The Application of Montreal, Maine & Atlantic Railway, Ltd. ("MMA") was filed in this proceeding on February 25, 2010.

2. March 17, 2010, the Board issued a notice of the filing, which included the following schedule:

|                                  |   |
|----------------------------------|---|
| Comments or protests             | due: April 12, 2010   |
| Request for public use/trail use | due: April 12, 2010   |
| Applicants' reply                | due: April 26, 2010   |
| Final decision                   | June 15, 2010   |
| OFA's                            | due: 10 days after decision or 120 days after filing of Application |

3. State has been meeting with MMA since last summer to determine if and how service could be preserved over the lines subject to the abandonment, including as recently as last Friday, March 19, 2010. However, no agreement has been reached.

4. State has been requesting since December, an opportunity to have its outside consultant hi-rail the lines to examine their condition and otherwise to evaluate the property. On Friday, March 19, 2010, the consultant was advised by MMA that the days available for hi-railing the line would be April 5 – 7, 2010. (State understands that MMA is making the line available to FRA next week.) The dates made available for inspection would not leave sufficient time for State to complete its evaluation and prepare its comments or protest.

5. State filed a motion to reject the Application seeking to have the Applicants' provide breakdowns of its data by branch line so that the viability of the individual branch lines could be evaluated by State. The Board denied the request by decision served March 17, 2010, indicating that State would be permitted to submit data concerning individual segments if it so chose.

6. State will require additional information from MMA to make such determinations.

7. State has delayed pursuing additional formal discovery while negotiations were actively being pursued. Because no agreement has been reached, it appears that formal discovery, including depositions will be required.

8. The scope of this proposed abandonment (approximately 233 miles consisting of five segments of line) and the potential impact (the proposed abandonment would virtually eliminate the ability of shippers to move of freight between the northern one-third of Maine and points to the south of the State) require more time for discovery than would be available under the Board's standard schedule. Even with the additional time requested herein, that discovery will need to be handled on an expedited schedule.

9. Delaying the deadlines for submission of comments and protests, requests for public and trail use, and Applicant's response, by twenty-one (21) days (until May 3 and May 17,

respectively) would leave the Board a twenty-nine (29) day period to reach a final decision by its currently scheduled deadline of June 15, 2010, while providing interested parties with additional time for discovery and to complete an inspection of the lines, as well as allowing State and MMA to continue negotiations without diverting all of their attention to discovery.<sup>1</sup>

10. State is authorized to state that Louisiana-Pacific Corporation, and Irving Woodlands LLC and Irving Products, Inc., and Huber Engineered Woods Products, LLC join in and support the extension of deadlines requested herein.

#### **EXPEDITED CONSIDERATION**

11. State requests expedited consideration of this request so that it can determine promptly when and if to schedule depositions and other discovery.

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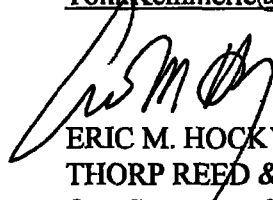
<sup>1</sup> State would not object to MMA having more than the fourteen days allotted in the Board's standard schedule to respond to comments and protests to the extent that the schedule to be set by the Board would allow.

(P0096368)0095301)

WHEREFORE, the State of Maine, by and through its Department of Transportation, requests that the Board extend the filing deadlines for a period of twenty-one (21) days as requested above.

Respectfully submitted,

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Dated: March 24, 2010

Attorneys for State of Maine, Department of  
Transportation

## **CERTIFICATE OF SERVICE**

I hereby certify that on the date set forth below, I served a copy of the foregoing Motion for

Extension of Filing Deadlines on the following by e-mail or by U.S. mail, postage prepaid:

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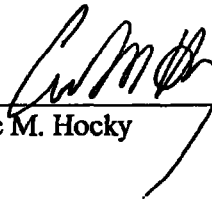
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